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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,610	03/20/2001	Julio Huato	3639-0101P	9560

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EXAMINER

CHOI, FRANK I

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/811,610

**Applicant(s)**

HUATO ET AL.

**Examiner**

Frank I Choi

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19, 21 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19, 21 and 23-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

The amendment filed 6/21/2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Applicant amends the specification by reciting a new variable  $z$  which is an integer greater or equal to 1 and indicating that  $x$  can be an integer greater than 0 and  $y$  can be an integer greater than or equal to zero. These amendments constitute new matter as no where in the original Specification was said variable  $z$  set forth and the ranges for  $x$  and  $y$  in the original Specification was  $0 \leq x \leq 2$  and  $0 \leq y \leq 2$ . The only embodiment disclosed other than Cu is Cu<sub>2</sub> and in that embodiment  $x$  and  $y$  were both equal to 1 (Specification, Examples 8 and 9). As such, there is no disclosure in the original Specification which supports amending the Specification to include the amended ranges. See *In re Rodman and Rodman*, 106 USPQ 142 (CCPA 1955).

Applicant is required to cancel the new matter in the reply to this Office Action.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claims 1-8,17,19,21 lack antecedent basis for the phrase "suspended indefinitely".

Claims 9-16,26-31 lack antecedent base for the phrase "basic salt".

Claim 30 lacks antecedent basis for the term "retentate".

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8,14,16,17,19, 21, 26-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Specification discloses that addition of water-miscible organic solvents results in precipitation of the colloid from the aqueous solution (Specification, paragraph 0049). There is no disclosure which indicates that the aqueous solution is substantially free of organic solvents. The only mention of an organic solvent which is not identified as being a water miscible organic solvent is in the preparation of a solid colloid salt in an organic solution of copper salt in methanol which is reacted with citric acid, tartaric acid, amino acids, etc. in water or an organic solvent (Specification, paragraph 0050). There is no disclosure which indicates that the colloidal particles remain suspended in the aqueous solution substantially indefinitely. The only time period disclosed in the Specification is 24 hours at room temperature (Specification, paragraph 0062). There is no disclosure which indicates that the colloidal particles will agglomerate to form larger secondary particles with the secondary particles tending to precipitate from the organic solvent solution. The Specification indicates that the precipitate was non-crystalline particles with diameters no more than 1 micrometer and colloid particles have a diameter range of 1-0.1 micrometers (Specification, paragraphs 0016, 0063), as such, there is no disclosure of agglomeration into secondary particles. There is no disclosure which sets forth "basic salt" or indicating that the cupric compound or basic salt is insoluble or only slightly soluble in water. As indicated above, there is no disclosure for z being an integer greater

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than or equal to 1. There is no disclosure of metal impurities other than ferrous, ferric and aluminum ions (Specification, paragraph 0043). There is no disclosure for "1 hour". The examples indicate a time period of "overnight at 100[degrees]C" (Specification, paragraph 0052).

Claims 1-17, 19, 21, 23-31 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the specified anions which are insoluble or slightly soluble, does not reasonably provide enablement for anions in general. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

Examiner has duly considered Applicant's arguments but deems them unpersuasive for the reasons set forth in the prior Office Actions and the further reasons below.

*The nature of the invention:*

The invention is directed to a colloidal copper which by the claim definition can contain any anion falling within A and, optionally B.

*The state of the prior art and the predictability or lack thereof in the art:*

The prior art appears to indicate that not all copper salts will produce colloidal copper (US Pat. 4,681,530, Column 7, lines 43-60). Further, Applicant has admitted that soluble copper compounds will not form colloids. However, soluble copper salts, including copper citrate, are claimed by Applicant to form a colloid. Applicant indicates that claim 1 no longer contains water soluble salts, however, cupric acetate, cupric butyrate, cupric formate, cupric glycinate and cupric salicylate fall within the scope of the claims and are water soluble. See arguments set forth Advisory Action (6/13/2003) and Remarks (5/13/2003), pg. 8. As such, predictability in the art appears to be low.

*The amount of direction or guidance present and the presence or absence of working examples:*

The Specification only provides a limited number of working examples of "A" and does not identify "B" other than that it is an anion and that number of B and oxidation number of B is limited by the relationship  $mx + ny = 2$  or  $2z$ .

*The breadth of the claims and the quantity of experimentation needed:*

The claims are broad in that B anions are not identified in claims 9-16, 23-30 and A anions include anions which Applicant has argued are soluble and thus do not form colloids. As such, it appears that one of ordinary skill in the art would be required to do undue experimentation in order to determine what anions would be suitable for preparing the colloid.

Examiner has duly considered Applicant's arguments but deems them unpersuasive.

In the first instance, it is Applicant who has asserted that copper salts which are soluble will not form colloids Remarks (5/13/2003), pp. 7-9. Applicant indicates that the colloid of cupric citrate is the formula  $\text{Cu}_2(\text{OH})(\text{C}_6\text{H}_5\text{O}_7)$  rather than the pure cupric citrate  $\text{Cu}_2\text{C}_6\text{H}_4\text{O}_7$ , however, none of the claims require the former formula. Applicant argues that one of ordinary skill in the art would not be required to conduct undue experimentation, however, Applicant does not provide any evidence which supports said conclusion. For example, in a case where the record consisted substantially of arguments and opinions of applicant's attorney, the court indicated that factual affidavits could have provided important evidence on the issue of enablement. See *In re Knowlton*, 183 USPQ 33, 37 (CCPA 1974); *In re Wiseman*, 201 USPQ 658 (CCPA 1979).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "CuSO<sub>4</sub>". There is insufficient antecedent basis for this limitation in the claim as claim 1 was amended to delete the sulfate anion.

Claims 26-30 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the anions listed for A. The specification does not appear to indicate that the anions for A can be chosen from other than what was listed in Claim 1. As such, the same appears to be critical to the invention and should be set forth in the claims.

Examiner has duly considered Applicant's arguments but deem them unpersuasive.

Applicant has provided no evidence that even all the anions listed will form a colloid much less anions which have not been listed. As such, Applicant is limited to the anions listed.

Claims 1-9, 11-17, 19, 21, 23-25, 31 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: The process limitations do not indicate that the cupric ion solutions contains or adds one of the anions listed.

Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 31 recites in the process limitations that a basic salt is formed, however, the limitations with respect to the composition do not require that the colloidal cupric compound be a basic salt.

Claims 1-8,17,19,21, 26-31 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that the claims fail to correspond in scope with that which applicant(s) regard as the invention can be found in Amendment filed 5/13/2003. In that paper, applicant has stated that soluble copper compounds, including copper citrate, do not form colloids, and this statement indicates that the invention is different from what is defined in the claim(s) because Applicant claims colloids contain compounds which Applicant has argued do not form colloids. Further in Amendment (10/14/2003) Applicant states that the present invention colloids are formed at dimensions on the order of 1 micron or less which is different from the claimed invention with respect to claims 1-8, 17,19,21,26-31 in that they do not claim dimensions of 1 micron or less. Furthermore, in Remarks (6/12/2004), pg. 19, Applicant argues that basic salts of “soluble” cupric compounds formed by raising the pH of the aqueous solutions are insoluble or only slightly soluble and thus may be used to form soluble cupric colloids, however, not all the claims indicate the same.

Examiner has duly considered Applicant’s arguments but deems them unpersuasive.

Applicant did not address the issue as to the size of the colloid particles, as such, the rejection relative to the same is maintained. Applicant now argues that basic salts of the “soluble” cupric compounds formed by raising the pH of the aqueous solution are insoluble or slightly soluble. However, the Specification does not appear to recite the term “basic salt”, the Specification and Applicant do not appear to define what is meant by the term “basic salt”, the Specification does not appear to indicate that and Applicant has provided no evidence that “basic salts” are formed by the process of raising the pH of the aqueous solutions, and not all of the claims require raising the pH and/or formation of basic salts.



*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

With respect to the rejections below, Examiner has duly considered Applicant's arguments but deems them unpersuasive for the reasons set forth in the Advisory Action (6/13/2003) and the further reasons below. Examiner reminds Applicant that in a 102/103 inherency based rejection the Graham v. John Deer factors are inapplicable. The burden is on Applicant to show that the prior art compositions are actually different from the claimed composition. Applicant argues that the colloids of the invention do not exhibit the flocculation or aggregation inherent in conventional "colloidal" compositions and are formed at the dimensions on the order of 1 micron or less. However, the rejected claims do not set forth particle sizes. Further, Applicant has made no showing that the colloid compositions cited below which contain the same components as the claimed invention act differently from the colloids of the present invention. Finally, Applicant argues with out citing to any disclosure in Brasch that the same teaches away from the use of copper chloride and copper citrate. However, the rejected claims 1-8 do not contain chloride or citrate and claim 31 does not require the presence of chloride or citrate. As indicated above, attorney argument does not constitute evidence.

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Claims 1-8,31 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Brasch (US Pat. 4,681,630).

Brasch expressly discloses a colloidal copper prepared from copper sulfate pentahydrate and method of preparing the same falling within the scope of applicant's claims (Column 6, lines 40-66). Examiner notes that claims 1-8 are drawn to a composition, as such, although the process of making the composition is different in certain aspects, since the composition appears to be the same, i.e., a copper colloid, the prior art composition appears to anticipate the composition claims.

Alternatively, at the very least the claimed invention is rendered obvious within the meaning of 35 USC 103, because the prior art discloses products and uses that contain the same exact ingredients/components as that of the claimed invention. See *In re Fitzgerald*, 205 USPQ 594 (CCPA 1980). See also *In re May*, 197 USPQ 601, 607 (CCPA 1978) and *Ex parte Novitski*, 26 USPQ2d 1389, 1390-91 (Bd Pat. App. & Inter. 1993).

Claims 1-8, 17, 18, 23, 26,31 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 96/10918

WO 96/10918 expressly discloses an aqueous colloidal suspension containing a cupric salt, such as cupric nitrate, copper sulfate, copper chloride, having a pH of about 7 which is used to protect plants from fungi falling within the scope of applicant's claims (See Pgs. 3, 4).

Alternatively, at the very least the claimed invention is rendered obvious within the meaning of 35 USC 103, because the prior art discloses products and uses that contain the same exact ingredients/components as that of the claimed invention. See *In re Fitzgerald*, 205 USPQ 594 (CCPA 1980). See also *In re May*, 197 USPQ 601, 607 (CCPA 1978); *Ex parte Novitski*, 26 USPQ2d 1389, 1390-91 (Bd Pat. App. & Inter. 1993).

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Claims 1-8, 17, 19, 21,23-25,31 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Casale (Abstract).

Casale expressly discloses a colloidal suspension prepared from CuSO<sub>4</sub> pentahydrate containing citric acid which is effective against vine disease falling within the scope of applicant's claims (Abstract).

Alternatively, at the very least the claimed invention is rendered obvious within the meaning of 35 USC 103, because the prior art discloses products and uses that contain the same exact ingredients/components as that of the claimed invention. See *In re Fitzgerald*, 205 USPQ 594 (CCPA 1980). See also *In re May*, 197 USPQ 601, 607 (CCPA 1978); *Ex parte Novitski*, 26 USPQ2d 1389, 1390-91 (Bd Pat. App. & Inter. 1993).

Claims 1-8 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Paal et al. (Abstract) or Bannigan, Jr. (US Pat. 4,253,843).

Paal et al. expressly discloses a colloidal copper hydroxide prepared from copper sulfate falling within the scope of applicant's claims (Abstract).

Bannigan, Jr. expressly discloses a colloidal copper phosphate prepared from copper sulfate falling within the scope of applicant's claims (Column 4, lines 40-46).

Alternatively, at the very least the claimed invention is rendered obvious within the meaning of 35 USC 103, because the prior art discloses products and uses that contain the same exact ingredients/components as that of the claimed invention. See *In re Fitzgerald*, 205 USPQ 594 (CCPA 1980). See also *In re May*, 197 USPQ 601, 607 (CCPA 1978); *Ex parte Novitski*, 26 USPQ2d 1389, 1390-91 (Bd Pat. App. & Inter. 1993).

Claims 1-8,31 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over The Merck Reference (11<sup>th</sup> Ed. 1989).

The Merck Reference expressly discloses cupric acetate, basic and cupric hydroxide, cupric phosphate, cupric tartrate falling within the scope of applicant's claims 1-8.( pg. 411, 2628. Cupric Acetate, Basic; pg. 413, 2646. Cupric Hydroxide; pg. 414 2653. Cupric Phosphate; pg. 415, 2662. Cupric Tartrate).

The Merck Reference expressly discloses cupric sulfate, basic falling within the scope of applicant's claim 31 (Pgs. 414, 415, 26560. Cupric Sulfate, Basic).

Alternatively, at the very least the claimed invention is rendered obvious within the meaning of 35 USC 103, because the prior art discloses products that contain the same exact ingredients/components as that of the claimed invention. See *In re Fitzgerald*, 619 F.2d 67, 205 USPQ 594 (CCPA 1980). See also *In re May*, 197 USPQ 601, 607 (CCPA 1978).

Claims 1-8,17are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Barker (US Pat. 3,635,668).

Barker expressly discloses a cupric hydroxide having an average particle size which is less than 1 micron which is used as a fungicide in plants falling within the scope of applicant's claims (Column 4, lines 33-76, Column 4, lines 1-13).

Alternatively, at the very least the claimed invention is rendered obvious within the meaning of 35 USC 103, because the prior art discloses products and uses that contain the same exact ingredients/components as that of the claimed invention. See *In re Fitzgerald*, 205 USPQ 594 (CCPA 1980). See also *In re May*, 197 USPQ 601, 607 (CCPA 1978). See also *Ex parte Novitski*, 26 USPQ2d 1389, 1390-91 (Bd Pat. App. & Inter. 1993).

Claims 26,30,31 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over DT 27 01 253. (DE 27 01 253)

DT 2701253 expressly discloses a basic cupric sulfate and process of preparing the same which involves purification and filtration of the cupric sulfate solution falling within the scope of applicant's claims (Pgs. 7-16).

Alternatively, at the very least the claimed invention is rendered obvious within the meaning of 35 USC 103, because the prior art discloses products and process that contain the same exact ingredients/components as that of the claimed invention. See *In re Fitzgerald*, 205 USPQ 594 (CCPA 1980). See also *In re May*, 197 USPQ 601, 607 (CCPA 1978). See also *Ex parte Novitski*, 26 USPQ2d 1389, 1390-91 (Bd Pat. App. & Inter. 1993).

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8,17,26-29,31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. US Pat. 6,596,246 in view of Barker (US Pat. 3,635,668).

Claims 1-14 of said US Patent disclose a method of preparing cupric hydroxide in which the copper solution is purified of ferrous and ferric ions with an oxidizing agent, such as ozone

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and hypochlorite, at a temperature of about 100 degrees Celcius and a ph of about 3-4, where basic cupric salt is also prepared and pH is raised through the use of ammonium or sodium carbonate.

Barker discloses a cupric hydroxide having an average particle size which is less than 1 micron which is used as a fungicide in plants (Column 4, lines 33-76, Column 4, lines 1-13).

The difference between the claims of said US Patent and the claimed invention is that the claims of said US Patent do not expressly disclose the use of the cupric oxide as a fungicide in plants or the average particle size of less than 1 micron. However, the prior art amply suggests the same as Barker discloses that cupric hydroxide can be prepared having an average particle size which is less than 1 micron and is suitable for use as a fungicide in plants.

Therefore, the claimed invention, as a whole, would have been an obvious modification of the claims of US Pat. 6,596,246 to one of ordinary skill in the art at the time the invention was made, because every element of the invention has been collectively taught by the combined teachings of the claims of said US Patent and Barker.

### *Conclusion*

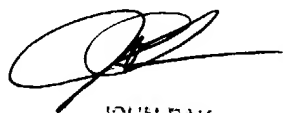
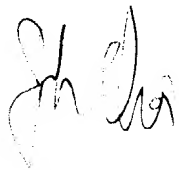
A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Choi whose telephone number is (571)272-0610. Examiner maintains a flexible schedule. However, Examiner may generally be reached Monday-Friday, 8:00 am – 5:30 pm (EST), except the first Friday of the each biweek which is Examiner's normally scheduled day off.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Gary Kunz, can be reached at 571-272-0887. Additionally, Technology Center 1600's Receptionist and Customer Service can be reached at (571) 272-1600.

FIC

September 18, 2004



JOHN PAK  
PRIMARY EXAMINER  
09/18/04